

Meeting Minutes
South Dakota Council of Juvenile Services
September 26-27, 2007
Best Western Ramkota-Pierre, SD

Wednesday, September 26, 2007

Council of Juvenile Services Members Present: Carol Twedt, Mike Leidholt, Nancy Allard, JC Chambers, Doug Herrmann, Janine Kern, Beth O'Toole, Susan Randall, Gib Sudbeck, Joanna Vitek, Virgena Wieseler, Grant Walker, Jason Goette, Richard Erickson, and Liz Heidelberger.

Council of Juvenile Services Members Absent: Dave Nelson, Ella Rae Stone, Karen Jeffries, Victor Erlacher, and Tara Russell

Others Present: Kevin McLain, Jodi Kirschenman, and Joy Erlenbusch from DOC

1. WELCOME, INTRODUCTIONS, and REVIEW OF AGENDA

Chair Carol Twedt called the meeting to order at 6:30 PM. She welcomed all, with particular attention to the three newest Council members. Introductions were made. The agenda was reviewed with no changes requested.

2. APPROVAL OF MINUTES

Susan Randall recollected that the word 'zealous' was to be eliminated from the CJS values/needs document. ***Randall moved the minutes be approved with this change, seconded by Jo Vitek. Motion carried.***

3. WORKING DINNER

♦ CENTRALIZED INTAKE UPDATE

Due to Nancy Allard's absence, she provided Twedt with a status report summarizing the Centralized Juvenile Detention Intake project to date. Twedt handed out copies of this report and summarized that Allard had received an email from Pennington County Sheriff Don Holloway. The email indicated that Pennington County has no desire to be the second pilot site for the intake project. Susan Randall added that she, Twedt, Allard, Ken McFarland, and DJ Hanson met to discuss the next steps and all feel that the Centralized Intake project has merit and value to go statewide. The plan is to proceed with the current pilot program in Minnehaha and Lincoln counties through December 31, 2007. Additional data will be collected regarding intake numbers for other Minnehaha County JDC compact counties located in the First and Third Judicial Circuits. Assuming feasibility in January 2008, the First and Third Circuit Compact counties will gradually be added to the intake project system and eventually expanding to other counties located in the state outside of the Western South Dakota Regional Detention Center Compact catchment area. Discussion ensued on the timeframe, payoff, and various concerns such as the program dying and incomplete data if the Rapid City / Pennington County area is left out. Council members gave different recommendations to help resolve this issue. Kevin McLain asked for clarification on whose project this is, to which Randall responded that ultimately it is a UJS project even though DOC, UJS, and SDVC all have a vested interest. Mike Leidholt reminded the Council of a past meeting where the Council agreed to fund the Centralized Intake project for another year and then the UJS was to pick it up through their budget. Discussion ensued. ***Janine Kern moved to write the UJS Chief Justice in support of pursuing the Centralized Intake project with expansion of the First and Third Circuits with the hope of getting West River on board for statewide implementation, Susan Randall seconded. Motion carried with Gib Sudbeck abstaining from the vote.*** Jodi Kirschenman will do the first draft of the letter and send it to Randall and Kern for finalizations and submission to the Chief Justice.

♦ FEDERAL ADVISORY COMMITTEE NOMINATIONS

Kirschenman informed the Council that the terms of South Dakota's primary (Janine Kern) and alternate (Doug Herrmann) representatives for the Federal Advisory Committee on Juvenile Justice (FACJJ) will be expiring December 31, 2007. Governor Rounds received a letter from J. Robert Flores, Administrator for the Office of Juvenile Justice and Delinquency Prevention, asking the South Dakota Council of Juvenile Services to nominate through the Governor's office, one of its members to serve as the primary and one

member to serve as the alternate member on the FACJJ. Nominations need to be submitted to the Governor's office for consideration by September 27th in order to meet the deadline. Kern provided details regarding the tasks, goals, and issues of the FACJJ. Doug Herrmann offered to serve as the primary representative, and Gib Sudbeck agreed to serve as the alternate. The written correspondence from OJJDP requesting new appointments to the FACJJ is unclear as to whether or not Herrmann can serve as the primary when he's finishing his term as an alternate FACJJ representative. Kern is going to look into this issue and get back to the Council.

◆ DISPROPORTIONATE MINORITY CONTACT REPORT

❖ STATEWIDE DMC COMMITTEE REPORT

Joy Erlenbusch provided a handout that outlines the 2005-2006 arrest data and explained the status of the data to the Council. Susan Randall indicated the committee met earlier in the day and they will be meeting again at which time they will determine now best to proceed with the information that has been collected to date.

❖ LOCAL DMC INTERVENTIONS REPORT

Erlenbusch reviewed the budgets for each of the local DMC intervention sites and discussed the budget handout.

❖ LOCAL DMC WORKGROUP SUPPORT

McLain indicated that there are a number of concerns with the support of the local DMC workgroup, including the attendance falling off, missing key stakeholders, lack of Native American representation, and a request for more culturally appropriate meetings. McLain explained a proposal for a DMC workgroup coordinator to facilitate the DMC meetings and to be a point of contact for the DOC office. The budget includes salary, supplies, and administration fees annually for three sites for a total of \$28,320 (\$9440 per site). This proposal has gone through Randall as the DMC Committee chairperson, and also through the DMC Committee. **Janine Kern moved to spend this money and hire a workgroup coordinator, Jo Vitek seconded.** Discussion ensued. The goal is to hire this position by January 1, 2008, and Erlenbusch will report to the CJS on the status of the coordinator on an annual basis. **Motion carried.**

◆ 2007 SPRING COALITION FOR JUVENILE JUSTICE CONFERENCE SUMMARY

Randall attended the 2007 Spring CJJ conference and provided an overview of the training and various sessions. This was training on partnerships to keep kids in school, which is what South Dakota's upcoming juvenile justice symposium is focusing on. Valuable information was learned and will be shared at the upcoming symposium. Randall also reviewed a handout developed by CJJ that outlines the federal juvenile justice appropriations for FY2008.

◆ 2007 FALL COALITION FOR JUVENILE JUSTICE CONFERENCE ATTENDANCE & 2007 OJJDP JOINT TRAINING ATTENDANCE

Kirschenman informed the Council that OJJDP's fall 2007 annual training is going to be a joint training conference and held in Denver, Colorado. Training will be provided for SAG members and Juvenile Justice Specialists October 21-24th and then a new DMC conference will be held jointly from October 25-27th. In addition, there is a CJJ training and an FACJJ meeting prior to the start of OJJDP's conference from October 19-21st. Kirschenman said OJJDP has added a new track for SAG Youth Members and there is funding in our current budget to cover costs if the Council would like to send a youth member. **Mike Leidholt moved to send a youth member if a youth member was interested in attending, Janine Kern seconded. Motion carried.** Interested youth members are to contact Kirschenman to assist with registration and travel arrangements.

◆ 2007 JUVENILE JUSTICE SYMPOSIUM OVERVIEW

Randall handed out the latest symposium brochure and reviewed the contents, speakers, and sessions indicating that there will be high quality workshops. The Symposium starts September 27th through the 28th in Pierre. There are over 200 registrants with a broad representation from across the state.

Meeting adjourned for the evening at 8:28 PM.

Thursday, September 27, 2007

Council of Juvenile Services Members Present: Carol Twedt, Mike Leidholt, JC Chambers, Doug Herrmann, Janine Kern, Beth O'Toole, Susan Randall, Gib Sudbeck, Jason Goette, Jo Vitek, Ella Rae Stone, Virgena Wieseler, Richard Erickson, Liz Heidelberger and Grant Walker.

Council of Juvenile Services Members Absent: Tara Russell, Dave Nelson, Karen Jeffries, Victor Erlacher, Nancy Allard

Others Present: Kevin McLain, Jodi Kirschenman, and Joy Erlenbusch from DOC

4. WELCOME and REVIEW OF AGENDA

Chair Carol Twedt called the meeting to order at 8:02 AM. The agenda was reviewed. Kern informed the Council that she looked into the FACJJ bylaws and learned that Doug Herrmann can serve as the primary FACJJ representative since he did not attend more than three meetings. Therefore, the Council recommends the Governor appoint Doug Herrmann as the primary and Gib Sudbeck as the alternate for the FACJJ. Kirschenman will provide Governor Rounds' office with this information so that appointments can be made.

5. FORMULA GRANT BUDGET STATUS

McLain reminded the Council that when South Dakota first started participation in the JJDP Act back in CY2003, we received our first award in the spring of 2004 and had three federal fiscal years of allocations combined into our '03 award. We finished spending that money at the first of this year, just finished '04 money and will be starting to draw down '05. The funds expire and we currently have to request extensions from OJJDP in order to get the money expended. So far, OJJDP has been lenient in giving us extensions. McLain recommends we move the budget spending period by budgeting for a nine-month period of time instead of a full year. The handout provided identifies what budget amounts are allowed compared to what is actually budgeted, to free up money for other areas. Beginning in October 2007, we'll draw down FY05 funds, which will take us through June 2008, then '06 funds that would take us through March 2009, and then another nine months for the FY07 money. We are eligible for a FFY08 award (we received notice to this effect) since we are in compliance with three core requirements- DSO, separation and jail removal, as well as our DMC efforts. McLain gave an overview of each budget category, what the money is currently funding and indicated that budget modifications can be made as needed. This proposed budget allows us to maintain our commitment to the counties through the reimbursement program, the significant statement on DMC and allocation of funds, and continuing to support the Tribes. Discussion ensued. System improvement funds have helped fund two model programs – Connecting Point and Lifeways. Since there are a number of new members, Twedt asked Kern to give an overview of the System Improvement subcommittee, the projects funded and the target population /need for the projects since she served as chairperson of the systems improvement committee. McLain indicated in the future, the CJS will have some tough decisions to make regarding where to make funding cuts. When we get caught up on spending the current fiscal year money, we will need to have budget discussions to start planning ahead.

6. OJJDP FINDINGS ON SOUTH DAKOTA'S 2005 COMPLIANCE MONITORING REPORT

OJJDP has a new director of CM who is not in the State Relations and Assistance Division like other grant staff. She has taken it upon herself to move aggressively under CM and develop new definitions that impact the program, and in doing so, didn't go through the administrative rules code of federal regulations process. This is effecting states nationwide. The CM report reflects our need to develop a verification of data process and update our CM manual with the verification system that is developed. The other findings are related to the classification of the holdover site in Pierre and at STAR Academy. Our federal representative, Larry Fiedler, did not state any issues regarding our classification during the visit or the exit interview. This has to do with the interpretation of the definitions that the director of CM has revised. The biggest change in CM is the verification of facilities – their interpretation is to monitor police departments and police offices in addition to our regular monitoring of jails and detention centers. McLain agrees that we need to go in and classify these facilities every three years and add them to our classification universe, but he does not feel that we need to try to monitor these facilities and make them a part of our monitoring universe. We have elected to try to comply with their interpretations, and take what efforts necessary to show that our compliance and classification systems meet the federal requirements. Discussion ensued.

7. COMPLIANCE MONITORING UNIVERSE VERIFICATION STRATEGIES

McLain explained that we must classify these facilities and then verify their classification through site visits one time every three years. We have identified 231 facilities that we believe we need to classify and verify. The detention, jail, and corrections programs have been classified as secure. The police departments, sheriffs offices, county jails, courthouses, group and residential (except Chamberlain Academy), alcohol and drug programs have all been classified as non-secure. We have to verify that we are not holding juveniles in our state prison systems. To be an effective visit, we realize we can't do it ourselves, so we've asked other state government agencies to help us with this. Erlenbusch will continue to visit those programs that we are currently monitoring. McLain and Erlenbusch are developing forms to be utilized for the visits. We appreciate those agencies that are willing to assist us with this ongoing process.

8. SYSTEM IMPROVEMENT GRANTS STATUS REPORT

Kirschenman reviewed the systems improvement subgrants handout and explained the budget/reporting status of each of the subgrantees. Kern said she had met with Lifeways staff and they asked her to thank the Council of Juvenile Services for their support. Lifeways is looking for other sources of funding in the community and on a state level. JC Chambers added that Lifeways is a nice example of replicating a project and making it fit. Lifeways has expanded and there are other programs across the state ready to roll out but there is a shortage of funding.

9. NATIVE AMERICAN PROGRAMS GRANTS STATUS REPORT

Kirschenman gave a status update of the Native American Pass-Through subgrantees and the reporting/budget status of each. CY08 grant application will go out this fall. Discussion ensued on unspent funding and the possibility of extending the budget date so that the Tribes get their allocation expended. McLain explained how we struggle with the issue of how much Tribes can apply for if they hadn't applied for their previous allocation, and the difficulty with determining supplemental award amounts when we have Tribes that do not apply for their pass-through funds. Kern expressed her concern that Oglala hasn't applied for funding and asked if there were more contacts to send the application to. Kirschenman explained the contacts that she has had with Oglala and new contacts in Pine Ridge that are currently active with the Title V process. Virgena Wieseler said DSS has been working with an agency they call "Lo-Wo" and DSS just signed a contract with this agency to take over child protection services for Pine Ridge. The executive director of this agency is Susan Dubrae, who Wieseler says is very responsive and would be a good contact if current NAP contacts are not responsive.

Randall asked for clarification on the handout regarding grants that are closed and reporting requirements not being met. Twedt asked that Ella Rae ensure the TAG is aware that the Council is passionate about making this money work for the Tribes. Sudbeck asked for clarification on the data that is required from the Tribes.

10. TITLE V STATUS UPDATE – RATIFICATION OF EXECUTIVE COMMITTEE ACTION

Kirschenman indicated the Title V grant process is underway with four communities competing: Watertown, City of Brookings/Brookings County, Oglala Sioux Tribe, and Charles Mix County/Wagner. These four communities have received a \$5,000 planning grant and are required to send teams of 2-3 members to attend training in October and November in Oacoma. The training will cover the extensive data collection process that is involved and required in the Title V grant program. In August, the CJS Executive Committee approved these four communities to receive a \$5,000 planning grant and to attend the required trainings. ***Kirschenman asked the Council to ratify the Executive Committee's decision. JC so moved, Beth O' Toole seconded. Motion carried.***

11. COUNCIL OF JUVENILE SERVICES VALUES, NEEDS, AND PRIORITIES DOCUMENT

Kirschenman provided an updated CJS Values, Needs, and Priorities document, based on information discussed at the last meeting. Randall indicated the word 'zealous' should be removed from number nine and then the document would be correct. Kirschenman will make this change so that future documents containing this list will be accurate.

12. TRIBAL ADVISORY GROUP UPDATE

Ella Rae Stone reviewed the items discussed at the TAG's June meeting. Although attendance was low, it was productive. Sudbeck gave an update on opportunities for alcohol and drug funding for Tribes under new rules. Stone then shared that Carol Cochran with South Dakota Kids Count came up with Tribal data books. The Kids Count Tribal Data book is completed, which contains each Tribe's compiled data. Crow Creek was the pilot site for this data book and they underwent an intense, detailed data collection process. Cochran compiled data for each Tribe, which contains Tribe-specific data. This book has unlimited uses and is very beneficial to the Tribes.

Stone also added that a solution is needed to access pass-through funds. She thinks the reimbursement process is hindering Tribes from accessing their pass-through money. Many Tribes don't have money up front to foot the costs for programs and they end up losing out on their funding. Tribes have so many programs that are on a reimbursable basis, that sometimes they have to choose which ones are important.

The TAG had looked at accessing technical assistance for strategic planning through the Tribal Youth Program, and learned that TA is provided by them to those Tribes that have a tribal youth program. Another route of TA would be through the formula grants program. McLain talked with our state rep at OJJDP and provided information on accessing technical assistance through the formula grants program. Kirschenman would be the initial contact person for the technical assistance, but Randall would facilitate the meeting and be responsible for bringing people on site.

13. FEDERAL ADVISORY COMMITTEE

Janine Kern reviewed the new FACJJ Report of 2007 and walked through the various handouts drafted by the FACJJ. Kern explained the critical issues identified by the FACJJ and reviewed the recommendations to the President, Congress, and to the Administrator of OJJDP. Action steps to address DMC was covered, and Kern suggested a future goal for the Council should be to explore options for detention reform.

14. FY 2007 COUNCIL OF JUVENILE SERVICES ANNUAL REPORT

Kirschenman is working on the draft FY07 CJS annual report and asked for volunteers to review the draft before it goes to the Council for approval. Randall and Kern both offered to review the draft. McLain informed the Council that DOC's Deputy Secretary presented before the State Tribal Relations Committee and no member of this committee remembered getting a copy of the FY06 annual report. Discussion ensued. While it's not doable for the FY07 report, a goal for upcoming years would be to have the report ready to send out prior to the start of Legislation in order to provide more opportunity for review.

15. OLD BUSINESS

Kern asked Wieseler to expand on Oglala Sioux Tribe's agreement through a chartered entity with DSS and other agencies, as this is an important juvenile justice issue. Wieseler explained this agreement was started in pine ridge in 2001 or late 2000 in order to develop a comprehensive child welfare system. It has been a long process, but needed to ensure an infrastructure was in place and to avoid politics. Lowo is doing everything that CPS is doing with the plan of 15 CPS positions phasing out and ultimately transferred to Lowo effective March 1, 2008. After this transfer, they will assume everything that CPS does, although one CPS contract position will remain to monitor the agreement. This is very significant in regards to Tribal relations and other tribes are looking at this.

16. NEW BUSINESS

Sudbeck thanked the Council for funding the juvenile justice program that established the screening and assessment process for FASD youth and explained additional funding that has been secured with hopes of securing additional funding by January. Sudbeck is thankful for the Council funding this piece to get the project going.

Randall shared her thoughts on legal representation for kids in the juvenile justice system and input she received when South Dakota Voices for Children was developing their guidebook for juveniles in the justice system. Discussion ensued. Kern explained that this is an advocacy at the federal level and this is one of the Council core values. She suggests the Council have future discussions on how to implement this. Current standards that are in place would need to be evaluated. Kern received these standards from Bob Shepard, FACJJ, and she will send the council these standards by email. McLain explained his concern of this strategy becoming a fifth mandate with the JJDP Act and that states would lose funding if they didn't comply. McLain agrees this should be supported and addressed but he doesn't feel it should become part of the Act. Additional discussion ensued regarding a pilot project (Watertown) to look at this issue further should the Council decide to take that route later on

17. SCHEDULE NEXT MEETING

The next meeting is scheduled for January 4, 2008 in Chamberlain, SD.

18. WRAP-UP & ADJOURN

Gib Sudbeck moved to adjourn, JC Chambers seconded. Motion carried. Meeting adjourned at 11:11AM.

Recorded by Jodi Kirschenman
Juvenile Justice Specialist